

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEREK DEYOUNG,
a resident of Michigan

Plaintiff,

v

BGROUP, LTD.,
a Hong Kong Limited by shares company,
et al.,

Defendants.

Case No. 1:20-cv-51

**MOTION OF DEFENDANTS BGROUP, LTD.
AND TRUONG TO DISMISS FOR LACK OF
PERSONAL JURISDICTION**

John Di Giacomo (P73056)
Eric Misterovich (P73422)
Amanda Osorio (P79006)
Attorneys for Plaintiff
Revision Legal, PLLC
444 Cass St., Suite D
Traverse City, MI 49684
(231) 714-0100
john@revisionlegal.com
eric@revisionlegal.com
amanda@revisionlegal.com

Jennifer A. Puplava (P58949)
Daniel J. Broxup (P72868)
Mika Meyers PLC
Attorneys for Defendants BGroup, Ltd.
and Manh Quan Truong
900 Monroe Avenue, NW
Grand Rapids, MI 49503
(616) 632-8000
jpuplava@mikameyers.com
dbroxup@mikameyers.com

EXPEDITED CONSIDERATION REQUESTED

Defendant BGroup, LTD. d/b/a “ShopBase” and Defendant Truong (the “ShopBase Defendants”), by and through their attorneys, Mika Meyers PLC, move for dismissal of Plaintiff’s claims pursuant to Fed. R. Civ. P. 12(b)(2) on the grounds that the Court lacks personal jurisdiction over them. In support of this Motion, the ShopBase Defendants state:

1. Defendant Truong is a citizen and resident of Vietnam.

2. Defendant BGroup, Ltd. is a Vietnam-based company incorporated under the Laws of Hong Kong that has no offices, employees, real estate, or other physical presence in Michigan.

3. The ShopBase Defendants do not transact business in Michigan, and they do not target Michigan in any advertising or marketing.

4. For the reasons stated in the accompanying Brief, and as set forth in further detail in the accompanying Brief, this Court does not possess personal jurisdiction over the ShopBase Defendants.

5. In its February 3, 2020 Order, the Court extended temporary injunctive relief against all Defendants, ordered the Defendants to file a response to Plaintiff's Motion for Preliminary Injunction no later than Monday, February 10, 2020, and ordered that all Defendants appear before the Court on February 14, 2020, for a hearing on Plaintiff's Motion. (ECF No. 31, PageID.505). Therefore, expedited consideration of this Motion is necessary.

6. In accordance with Western District of Michigan Local Rule 7.1(d), counsel for the ShopBase Defendants contacted counsel for Plaintiff via telephone on February 7, 2020, at approximately 1:52 p.m., to ascertain whether Plaintiff will oppose this Motion. Counsel for Plaintiff, John Di Giacomo, confirmed that Plaintiff will oppose the Motion.

WHEREFORE, the ShopBase Defendants respectfully request this Honorable Court grant this Motion and enter an order (a) dismissing Plaintiff's claims against the ShopBase Defendants in this matter, including terminating the February 3, 2020 Order (ECF No. 31, PageID.503-506), to the extent it applies to the ShopBase Defendants, (b) awarding the ShopBase Defendants reasonable costs and attorney fees, and (c) providing such further legal and/or equitable relief as the Court deems just and proper. In the event that the Court does not decide this Motion before

February 10, the ShopBase Defendants further respectfully request that the Court allow counsel for the ShopBase Defendants to file a brief responding to Plaintiff's Motion for Preliminary Injunction and appear at the February 14, 2020 hearing without waiving the ShopBase Defendants' jurisdiction argument.

MIKA MEYERS PLC
Attorneys for Defendants BGroup, Ltd. and Truong

Dated: February 7, 2020

By: /s/ Daniel J. Broxup
Daniel J. Broxup (P72868)
900 Monroe Avenue, NW
Grand Rapids, MI 49503
(616) 632-8000